

03/29/2019

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA

CHARLOTTESVILLE DIVISION

JULIA C. DUDLEY, CLERK  
BY: *H. Wheeler*  
DEPUTY CLERK

BRENNAN M. GILMORE,

*Plaintiff,*

v.

ALEXANDER ("ALEX") E. JONES, *ET AL.*,

*Defendants.*

CASE NO. 3:18-cv-00017

**ORDER**

JUDGE NORMAN K. MOON

This matter is before the Court upon Defendants' multiple motions to dismiss. (Dkts. 46; 56; 58). For the reasons stated in the accompanying memorandum opinion, the Court hereby **ORDERS** the following:

- Defendant West's motion to dismiss, (dkt. 58), is hereby **GRANTED IN PART** and **DENIED AS MOOT IN PART**. West's motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(2) is **GRANTED**, and West is hereby dismissed from this action without prejudice. West's other motions to dismiss pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6) are **DENIED AS MOOT**.
- Defendants Creighton, Hoft, Stranahan, Wilburn, Hickford, and Words-N-Ideas's motion to dismiss, (dkt. 46), is **GRANTED IN PART** and **DENIED IN PART**. Defendants' motions to dismiss pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(2) are **DENIED**. Defendants' motion to dismiss Plaintiff's defamation claims pursuant to Fed. R. Civ. P. 12(b)(6) is **DENIED** but their motion to dismiss Plaintiff's intentional infliction of emotional distress (IIED) claims pursuant to Fed. R. Civ. P. 12(b)(6) is **GRANTED**, and those claims are hereby dismissed without prejudice.
- Defendants Jones, McAdoo, InfoWars, and Free Speech Systems' motion to dismiss, (dkt. 56), is **GRANTED IN PART** and **DENIED IN PART**. Defendants' motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(2) is **DENIED**. Defendants' motion to dismiss Plaintiff's defamation claims pursuant to Fed. R. Civ. P. 12(b)(6) is **DENIED** but their motion to dismiss Plaintiff's IIED claims pursuant to Fed. R. Civ. P. 12(b)(6) is **GRANTED**, and those claims are hereby dismissed without prejudice.
- Defendants' motions for immunity and attorneys fees under Va. Code § 8.01-223.2, (dkts. 46; 56; 58), are **DENIED**. Defendants' motions for immunity and attorneys fees under Tex. Civ. Prac. & Rem. Code § 27.001, (dkts. 56; 58), are **DENIED AS MOOT**.

It is so **ORDERED**.

The Clerk of the Court is hereby directed to send a certified copy of this order and the accompanying memorandum opinion to all counsel of record.

Entered this 29<sup>th</sup> day of March, 2019.

  
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NORMAN K. MOON  
SENIOR UNITED STATES DISTRICT JUDGE